

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

CHIMNEY INVESTMENTS, LTD.,

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Plaintiff,

V.

**AMERICAN DRIVELINE CENTERS,
INC., JEFFREY YOE, and SCOTT
AQUINO**

Defendants.

CIVIL ACTION NO.

DEFENDANT AMERICAN DRIVELINE CENTERS, INC.'S NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant American Driveline Centers, Inc. (“ADC”) files this Notice of Removal pursuant to 28 U.S.C. § 1446(a) and shows the Court the following:

I. INTRODUCTION

1. Plaintiff Chimney Investments, Ltd. (“Plaintiff”) is a Texas limited partnership transacting business in Harris County, Texas and thus, a citizen of Texas. According to the Texas Secretary of State, the general partner of Plaintiff is Samco Properties, L.L.C.
2. Defendant American Driveline Centers, Inc. (“ADC”) is a Pennsylvania corporation and thus, a citizen of Pennsylvania.
3. Defendants Jeffrey Yoe and Scott Aquino – according to Plaintiff’s Original Petition – are citizens of Oklahoma.

4. There was complete diversity of citizenship as of the filing of Plaintiff's Original Petition and there is complete diversity of citizenship now.

5. On May 13, 2014, Plaintiff filed suit against Defendants for breach of contract in the 190th District Court in Harris County, Texas, Cause No. 2014-27085.

6. Defendant was served with this suit on May 16, 2014. Defendant filed this Notice of Removal within the thirty (30) day time period required by 28 U.S.C. § 1446(b).

7. According to the District Court of Harris County, as of today, Defendants Jeffrey Yoe and Scott Aquino have not yet filed an answer.

I.
BASIS FOR REMOVAL

8. Venue is proper in this District under 28 U.S.C. § 1441(a) because the state court where the action is pending is located in this District.

9. Removal is proper under 28 U.S.C. § 1332(a) because there is complete diversity between the parties and the amount in controversy exceeds \$75,000 excluding interest, costs and attorney's fees. (Paragraph 8 of Plaintiff's Original Petition states, "At this time, Plaintiff seeks monetary damages over \$200,000 but not more than \$1,000,000.00").

10. Pursuant to Local Rule 81 and 28 U.S.C. 1446(a), this Notice of removal is accompanied by the following:

- a. An index of all documents filed in the State Court Action, attached as **Exhibit A**;
- b. A copy of the State Court Action docket sheet, attached as **Exhibit B**;
- c. A copy of all process, pleadings, and orders in the State Court Action, attached as **Exhibit C**; and

d. A list of all counsel of record, including addresses, telephone numbers and parties represented attached ad **Exhibit D**.

11. As evidenced by **Exhibit E**, the other two (2) Defendants hereby consent to the filing of this removal.

12. Defendant will file a copy of this Notice in the 190th District Court, Harris County, Texas pursuant to 28 U.S.C. § 1446(d).

Respectfully submitted,

CHERRY PETERSEN LANDRY ALBERT LLP

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**ATTORNEYS FOR DEFENDANT
AMERICAN DRIVELINE CENTERS, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served on all known counsel of record via electronic filing on June 13, 2014:

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/s/ Craig A. Albert
Craig A. Albert